

REMARKS

This Amendment, submitted in response to the Office Action dated March 5, 2008, is believed to be fully responsive to teach point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

I. Status of the Application

Claims 1-21 are pending in this application. Claims 1-21 are rejected. The Examiner has accepted the drawings filed on September 17, 2003. The Examiner has also acknowledged the claim for priority under 35 U.S.C. § 119(a)-(d) or (f) and receipt of the certified copy of the priority document.

Further, the Examiner has returned an initialed copy of the PTO/SB/08a form thereby indicating that he has considered the references listed thereon.

II. Claim Rejections - 35 U.S.C. § 112

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

Claims 1, 3, 5, 9, 11, 15, 17, 18, and 20 are objected to for allegedly lacking antecedent basis for "the model". Applicant hereinabove amends to obviate the rejection. Claim 1 is rejected for alleged lack of antecedent basis for "the basis" in line 16 in claim 1. Applicant hereinabove amends the claims for clarification, without altering the scope of the claims.

III. Claim Rejections - 35 U.S.C. § 102

Claims 1, 5 - 7, 9, 13 - 15, 17, and 20 - 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukishima et al. (hereinafter Tsukishima) (US 6647304).

Claims 1, 9, and 17

Tsukishima discloses a system from keeping track of the configuration of component parts within a consumer product over the lifetime of the product (summary of the invention). To accomplish this, a network connects the customer with the manufacturer of the product and the manufacturers of component parts of the product (see figure 1). A home page is established with all the products a customer has from the manufacturer, with links to the configuration of each product and links to the configurations of the component parts of the product (see figure 2). Procedures are outlined to perform various functions, such as to register that a part has been removed or inserted into a product (cite).

As an initial matter, the subject matter recited in the preamble is entirely absent from Tsukishima. There is no recitation of selling electronic equipment brought to a shop as used electronic equipment, which is unrelated to the purpose of Tsukishima. Preambles are given patentable weight when they are “‘necessary to give life, meaning, and vitality’ to the claim, then the claim preamble should be construed as if in the balance of the claim” (MPEP § 2111.02). In this case, it would appear that because “said shop” is recited in the body of the claim, at least the shop itself must be given patentable weight. There is no such shop recited in Tsukishima.

Turning to the body of claim 1, which recites “sending said product data including a model code read from said electronic equipment to a manufacturer of said electronic equipment when said electronic equipment operates normally”. There is no disclosure in Tsukishima that such information is sent “*when said electronic equipment operates normally*”, as recited in claim

1. For the function check circuit recited in claim 1, the ground of rejection point to a potential feature of the last embodiment of Tsukishima: “a particular program can be provided in response to a request from a product connected to a network or a built-in program of a part...[to enable the product] to conduct self fault diagnosis making use of the downloaded program” (column 25 line 66 to column 26 line 4). Thus a program can be downloaded to conduct self fault diagnosis. However, this is not a part of the earlier embodiments to which the Examiner points for the data input-output and other features of claim 1. Teachings of disparate embodiments may not be combined without a basis to do so (Ex parte Beuther, 71 USPQ2d 1313, 1316 (BPAI 2003)). There is no recitation that any such self-diagnosis occurs in the earlier embodiments, and no disclosure that the “downloaded program” used for self diagnosis in Tsukishima is downloaded. Thus, there is no disclosure of self-diagnosis in the context of the data transmission of column 4 of Tsukishima, and Tsukishima does not disclose “sending said product data including a model code read from said electronic equipment to a manufacturer of said electronic equipment when said electronic equipment operates normally”, as recited in claim 1.

Although Tsukishima et al. (US 6,647,304) discloses providing information of operation manuals, maintenance and so forth for the customer via network 18 (column 4, line 55-column 5, line 3), claim 1 recites the “manufacturer sending a part corresponding to identified said model to said shop.” Sending a part itself, such as a packing box and an operation manual, to the shop is not taught or suggested.

Claim 1 further recites “a model search device for identifying a model of said electronic equipment based on said product data.” No such model search device is disclosed by Tsukishima.

Claim 1 is thus patentable over Tsukishima at least due to these differences. Claims 9 and 17 are patentable for similar reasons.

Claims 6, 14 and 21 recite that the “product data includes used time information of said electronic equipment”. There is no disclosure of such used time information in Tsukishima. The Examiner simply points to “maintenance information, attention information, or warranty information” from the manufacturer (Office Action, page 4). However, the Examiner does not assert, and Tsukishima does not in fact disclose, information about how long the product has been used. This is also recited in claims 7 and 15, and these claims are additionally patentable over Tsukishima for the same reason.

IV. Claim Rejections - 35 U.S.C. § 103

Claims 2 - 4, 10 - 12 and 18 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukishima in view of LaFata et al. (hereinafter LaFata) (US 5603201).

LaFata discloses blister packaging, which may be labeled with product specifications, warranty information, etc. LaFata does not cure any of the deficiencies of Tsukishima noted above. Claims 2 - 4, 10 - 12 and 18 - 19 are thus patentable due to their dependencies, as well as additional recited features.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukishima in view of Hadjigeorgis (US20020152118).

Hadjigeorgis is cited by the Examiner simply as disclosing a point of sale rebate system for the purchase of a digital camera. Hadjigeorgis does not remedy the deficiencies of

Tsukishima, as noted above. Therefore claims 8 and 16 are patentable at least due to their respective dependencies, as well as additional recited features.

V. New Claims

Claims 22-27 are added to describe features of the invention more particularly. Claims 22-27 are patentable at least due to their dependencies. Additionally, the features recited by these claims are not taught or suggested by the cited references.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Susan Poring Pan
Registration No. 41,239

Date: June 5, 2008